

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )

Plaintiff, )

V. )

ROBERT EUGENE TREACLE, JR., )

Defendant. )

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4:08CR3105

**MEMORANDUM AND ORDER**

The government has moved to continue the trial currently set for August 3, 2009. Filing No. [69](#). Essential witnesses for the government are unavailable during the scheduled trial week. In addition, the parties are awaiting the results of DNA testing that may be relevant to this case. Counsel for the defendant does not oppose the requested continuance. The Court, being fully advised in the premises, finds that said motion should be granted.

IT IS ORDERED:

- 1) The government's motion to continue, (filing no. [69](#)), is granted.
- 2) The trial of this case is set to commence at 9:00 a.m. on October 19, 2009 for a duration of four trial days. Jury selection will be at the commencement of trial.
- 3) Based upon the showing set forth in the government's motion and the statements of its counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the

defendant and the public in a speedy trial. Accordingly, the time between today's date and October 19, 2009 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

Dated this 7<sup>th</sup> day of July, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge